

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LISLEY SESSER,

:

Plaintiff,

: Case No. 2:23-cv-3227

v.

:

**RBS COLUMBUS, LLC
DBA RODIZIO GRILL, et al.,**

: Judge Algenon L. Marbley

: Magistrate Judge Kimberly A. Jolson

Defendants.

:

ORDER

This matter comes before this Court on the Defendants George J. Chaposky, Jacob D. Szafarski, and Vernon K. Dunn's (collectively "Defendants") partial motion to dismiss Plaintiff Lisley Sesser's original Complaint (ECF No. 7). After Defendants filed the motion, Plaintiff amended her complaint. (ECF No. 11). Defendants then moved to dismiss the Amended Complaint. (ECF No. 14). The parties subsequently requested that this Court stay resolution of Defendants' second motion—the motion to dismiss the Amended Complaint (ECF No. 14)—pending private mediation. (ECF No. 23). This Court granted the joint motion on September 4, 2024. (ECF No. 25).

Although Defendants have not withdrawn their motion to dismiss the original Complaint (ECF No. 7), it is well-established that Plaintiff's filing of an amended complaint renders that motion moot. *See Crawford v. Tilley*, 15 F.4th 752, 759 (6th Cir. 2021) ("The general rule is that filing an amended complaint moots pending motions to dismiss."); *ComputerEase Software, Inc. v. Hemisphere Corp.*, No. 06-CV-247, 2007 WL 852103, at *1 (S.D. Ohio Mar. 19, 2007) ("Since the amended complaint replaces the original complaint, the motion to dismiss the original

complaint is moot.”); *Yates v. Applied Performance Techs., Inc.*, 205 F.R.D. 497, 499 (S.D.Ohio 2002) (“Because amended complaints supersede the original pleading, the filing of the amended complaint in this case did technically render the pending motion to dismiss moot.”).

Accordingly, Defendants’ motion to dismiss the original complaint (ECF No. 7) is **DENIED AS MOOT**. The parties are further **ORDERED** to file a joint status report within **THIRTY DAYS** of this Order, apprising the Court of the status of the parties’ mediation efforts. In lieu of the joint status report, the parties may file a stipulation of dismissal or motion to lift the stay, as appropriate.

IT IS SO ORDERED.



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: September 23, 2024